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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Morris Reichlin and Eugen Koren

Serial No:

09/768,155

Art Unit:

1644

Filed:

January 23, 2001

Examiner:

R. B. Schwadron

For:

METHOD FOR TREATMENT OF SLE

Commissioner of Patents and Trademarks Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER AN ISSUED PATENT

Sir:

Petitioner, Oklahoma Medical Research Foundation, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,342,218, issued January 29, 2002, as evidenced by the accompanying Certificates under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,342,218, issued on January 29, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,342,218 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,342,218 as

OMRF 158 CIP CON 078617/00116

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shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,342,218; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terroinally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Oklahoma Medical Research Foundation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OKLAHOMA MEDICAL RESEARCH FOUNDATION

Date:

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Under the Paper-ork Research Act of 1995, no persons are required to respond to a collection of information unitses it displays a visid QMD consell number STATEMENT UNDER 37 CFR 3.73(b) Mocris Reichlin and Eigen Koren Applicant/Patent Owner. 08/800,682 -February 14, 1997 Filed/Issue Date: Application No./Patent No.: METHOD FOR TREATMENT OF SLE Oklahoma Medical Research Foundation 6 Corporation (Type of Assignos, 6.8., terporation, purbouship, university, government agency, sto.) (Nemo of Acaignee) states that it is: 1. A the assignee of the entire right, title, and interest; or 2. an assignee of less than the entire right, this and interest. The extent (by, percentage) of its ownership interest is In the parent application/patent identified above by virtue of either. A. K) An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Real 8468_, Frame 9669_, or for which is copy thereof is attached. OR B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current woled nworks as as ngiese: 1. From: To: The document was recorded in the United States Patent and Trademark Office at _, or for which a copy thereof is attached. To: The document was recorded in the United States Patent and Trademark Office of ___, Frame_ _, or for which a copy thereof is attached. Reel__ To: 3. From:_ The document was recorded in the United States Patent and Trademark Office at _____, or for which a copy thereof is attached. _, Freme__ [] Additional documents in the chain of title are field on a supplemental sheet. [] Copies of assignments or other documents in the chain of title are attached. INOTE: A separate copy fi.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the easignment is to be recorded in the records of the USPTO, See MPEP 302,08] The undersigned (whose title is supplied below) is authorized to ect on behalf of the assignee. Kennedy or ported name Signature Techno! oav Transfer Titte

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